

Charter Government Transition Frequently Asked Questions

1. How will land use change?

There will be no real substantive changes. The former Article 66B of the *Annotated Code of Maryland*, now titled the Land Use Article will still control land use in Frederick County.

2. How will County boards and commissions operate and function?

They will basically remain the same and intact. The County Executive will make appointments to the boards and commissions with a vote for advice and consent from the County Council. Section 807 states that members shall continue to hold the same office until completion of their term in office.

3. Can the County Council repeal or amend previous laws enacted by the Maryland General Assembly?

Yes on some. Public Local Laws, or laws that apply specifically and only to Frederick County can be amended. These are the laws listed in Section 2 of the *Frederick County Code*.

4. How will the Charter government affect the City of Frederick?

There will be no change in governance. The City of Frederick is an autonomous entity with their own Charter.

5. How will the President of the County Council be appointed?

The President and Vice President of the County Council are the only officers listed in the Charter. They will be elected by a majority vote out of the County Council members to their posts after they are sworn into office on December 1. The first scheduled meeting in December under the Charter will allow for the election of other officers as needed.

6. How transparent will be the new form of government?

The Maryland Open Meetings Act and the Maryland Public Information Act still apply to the County Council. They will also be responsible under the County Ethics Ordinance and the County Ethics Commission.

7. How frequently will the Council districts change?

Every 10 years following the United States Decennial Census.

8. What are the limitations on outside employment?

There are no limitations on the County Council members. The County Executive is to be a full-time position with the County and cannot have a private occupation for income.

9. What County benefits will be available to the County Executive and Council members?

There are no benefits to be allowed for the County Council members. The County Executive is permitted to have the standard benefits package the same as new County employees. The County Executive will not be able to draw a pension as the County requires a 10 year vesting in the program. Theoretically, if the County Executive is a previous employee with the County and has had less than a 5 year split from County employment or service, they may be entitled to retirement benefits.

10. Why wasn't an emergency legislation clause placed in the Charter?

We cannot properly speak as to why items aren't included in the Charter. There are provisions which allow for Charter amendments and they can be addressed by the citizens and/or the County Council at a future time.

11. What are the ages for public office under the Charter?

There are no age requirements, other than they have to be a registered voter of the County and resided in the County for at least a year for the County Council and at least 2 years for the County Executive.

12. What can the County enact as local legislation without going to the Maryland General Assembly?

Those items that expressly relate to the local health, safety and welfare, such as a ban on synthetic marijuana, local smoking laws, etc.

13. How will Development Rights and Responsibilities Agreements (DRRA's) proceed?

Under the Charter, land use will remain virtually unchanged from the way the County operates under Commissioner form of government. There will still be a requirement for a DRRA to receive a finding of consistency with the County's Comprehensive Plan by the Planning Commission, then approval by the County Council. The local governing authority will have to be established on where the DRRA application begins.

14. How will a Tax Increment Financing (TIF) District proceed?

A TIF will start with the County Executive and be assigned to County staff to fully review and make a recommendation as is the current procedure. The County Council will then have the responsibility of adopting legislation establishing the TIF district.

15. How are vacancies in office filled?

For either a vacancy in the County Executive or a vacancy by a County Council member, the County Council makes the replacement within 45 days upon a

recommendation made by the Central Committee of the political party of the vacant elected official.

16. Will the Charter Transition Team visit other Charter government counties?

Yes, the Team will be making a future visit to Howard County. Additionally, the Charter Board when writing the Frederick County Charter met with the County Executives from Howard and Harford Counties to seek their input and suggestions.

17. What provisions exist for removal of a County Executive or County Council member?

The Charter provides for removal of the Executive or a Council member who shall immediately forfeit office upon:

- the Executive or Council member ceasing to be a citizen of the United States, a registered voter of the County, or a resident of the Council District to which the council member was elected or appointed to represent;
- the Executive or Council member being convicted of or pleading guilty to a felony or a crime involving moral turpitude (a crime in which someone is hurt);
- the Executive or Council member being granted probation before judgment for a felony or a crime involving moral turpitude; or
- acceptance by a court of a plea of nolo contendere for a felony or a crime involving moral turpitude.

18. What are the numbers listed on the County Council maps?

These are the numbers and locations of the election precincts.

19. Can the County Council reduce the property tax rate if they have reduced the operating budget?

No. While the Council must adopt a budget that is balanced, they cannot alter the revenue estimates established by the Executive. Any cash surpluses, taxes and other sources of revenue may be appropriated to a reserve fund for permanent public improvements.

20. How often will the County Executive and the County Council meet?

There are no formal requirements for the Executive and Council to meet. In other charter jurisdictions the County Executive and Council President meet regularly on legislative matters. The Council is limited to meeting no more than 45 legislative days a year. These are meetings where legislation is formally introduced and adopted. The Council may hold Council workessions on matters, but cannot hold final votes. The Charter has only two required monthly legislative meeting days.

21. Who will County employees report to?

County employees, with the few support staff for the County Council, will all be executive branch employees and therefore fall under the direction of the County Executive.

22. Can a County Executive veto their own budget, and if so, what is the process then to adopt a budget?

No. The budget actions taken by the Council are final on the budget. If the Council fails to adopt the Executive's presented budget by May 25, the proposed budget stands as approved.

23. Can County Council member direct county employees on assignments or projects?

No. This is termed the non-interference clause in the Charter. Neither the Council nor any of its members shall appoint, dismiss, or give directions to any individual employee of the Executive Branch of the Government.

24. Does a County Councilmember have to reside in their district?

Yes. They must reside in their district. Should they move out of their district during their term of office they will have been deemed to have vacated the office.

25. Are the County Council Districts approximately the same size in population?

Yes. By law the districts must be as close as possible to each other in the size of the population.

26. Will the district sizes change?

Yes. Under the Charter, every ten years after the decennial census, the district lines will be redrawn to maintain equal proportions of the population.

27. Where does the new Chief Administrative Officer derive their authority in the Charter?

This can be found in Article 4 §410, titled, Chief Administrative Officer. The County Executive shall appoint this person who will serve at the pleasure of the County Executive and subject to confirmation by a majority vote of the County Council. The duties of the Chief Administrative Officer, which shall include supervising the departments, agencies and offices under the control of the Executive, advising the Executive on all administrative matters and performing such other duties as may be assigned by the Executive or by this Charter, shall be subject to the direction of the Executive.

27. Will County staff be free to offer input and advice on County matters without political repercussions?

Yes. County staff with the exception of certain appointees to serve at the pleasure of the County Executive or County Council, will remain merit based

employees and perform to the best of their abilities for the citizens of Frederick County without political implications.

28. The Charter authorizes investigations by the County Council. Will the County Attorney's Office aid staff in the event of an authorized Council investigation?

Yes. Under the Charter, employees fall under the direction of the executive branch. Therefore any Council investigation will be represented by the County Attorney's Office on behalf of the executive branch.

29. Certain County grant applications can be brought forward with a fast turnaround time. As the Council will not meet possibly before the application deadline, how will these requests be processed?

The applications for grants will be administered by the executive branch and the County Executive will be empowered to make the determination to approve the submittal. The Council as the legislative body would be empowered after the approval of a grant to then vote on appropriating the funds.

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